IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1998 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DEPUTY ENGINEER, GUJARAT ELECTRICITY BOARD,

Versus

GUJARAT ELECTRICITY EMPLOYEES' UNION,

Appearance:

1. Special Civil Application No. 1998 of 1989
MR MD PANDYA for Petitioners No. 1-4
RULE SERVED BY DS for Respondent No. 1

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 06/12/2001

ORAL JUDGEMENT

1 The petitioner Nos. 1, 2 and 3 are officers of petitioner No.4 viz.,Gujarat Electricity Board. On 4/5/1982 the petitioner Board passed an office order creating an additional section office at Pandesara due to

administrative exigencies. The respondent Union, comprised of employees of petitioner No.4, challenged the aforesaid order before the Labour Court and the Labour Court in Application Nos. 33/82 and 83/82 passed an order on 29/12/1994 against the petitioner. The matter was carried in appeal before the Industrial Court and the same was registered as Appeal (IC) No.52 of 1985. The petitioner failed in appeal and the order dated 26/12/1988 passed by the Industrial Court along with the earlier order of the Labour Court has been challenged by the petitioner in the following terms :

> "(a) to issue a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, direction or order, quashing and setting aside the Order dated 29-12-1984 (Annexure 'E' hereto) of the Labour Court, Surat, in Application No.33 of 1982 and 83 of 1982 and the Order dated 26-12-1988 (Annexure 'F' hereto) of the Industrial Court in Appeal (IC) No.52 of 1985;"

2 Mr.M.D.Pandya, learned Counsel appearing on behalf of the petitioner states that it is not necessary to adjudicate the matter on merits in view of the subsequent development which has taken place during pendency of the petition. He has made a statement to the effect that the section office at Pandesara has been upgraded during pendency of the petition to Sub-divisional Office and hence the entire basis for the complaint and the dispute raised before the Labour Court no longer survives. There is no appearance on behalf of the respondent though served.

3 In view of the statement made by Mr.Pandya it is not necessary to render any decision in the peculiar facts and circumstances of the case and the subsequent developments which have taken place during pendency of the petition. When the matter was admitted on 4/4/1989 by this Court ad-interim relief in terms of paragraph 18(b) had been granted, by virtue of which the impugned orders had been stayed. In view of this position the orders have not been implemented and in light of the subsequent developments it is not necessary to give effect to the said orders. The petition is thus disposed of accordingly. Rule discharged with no order as to costs.

Sd/-

(D.A.Mehta, J)

m.m.bhatt